

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Present Application:

Applicants : William A. Horne and Tilman Oltersdorf
Title : HUMAN BAD POLYPEPTIDES, ENCODING NUCLEIC ACIDS AND
METHODS OF USE
Docket No. : 480140.428C1
Date : February 1, 2002

Prior Application:

Examiner : Thaian N. Ton
Art Unit : 1632
Application No. : 09/922,378

Box Patent Application
Commissioner for Patents
P.O. Box 2327
Arlington, VA 22202

PRELIMINARY AMENDMENT

Commissioner for Patents:

Please amend the above-identified application as follows:

In the Specification:

Amend the specification by inserting a new section before the "Technical Field"
as follows:

-- CROSS-REFERENCE TO RELATED APPLICATIONS

This application is a continuation of 09/922,378, filed August 3, 2001, which
application is a divisional of U.S. Application No. 09/376,154, filed August 17, 1999, which
application is a divisional of U.S. Application No. 08/717,123, filed September 20, 1996, which

issued as U.S. Patent No. 5,965,703 on October 12, 1999, which are herein incorporated by reference in their entirety.--

In the Specification:

Please insert the enclosed Sequence Listing immediately after the section of the specification entitled "Abstract of the Invention" on page 40.

In the Claims:

Please cancel claims 1-29 and add the following claims:

30. (New) An antibody that specifically binds an isolated human Bad polypeptide, comprising the amino acid sequence shown in SEQ ID NO:2.

31. (New) An antibody that specifically binds an isolated human Bad polypeptide encoded by a nucleic acid molecule comprising the nucleotide sequence shown in SEQ ID NO:1 or a nucleotide sequence that has greater than 85% nucleotide identity to the nucleotide sequence shown in SEQ ID NO:1 as calculated by the BLAST algorithm.

32. (New) An antibody that specifically binds a human Bad peptide comprising a fragment of no greater than 95 contiguous amino acids of the 3' end of SEQ ID NO:2, wherein the fragment binds Bcl-X_L or Bcl-2 and wherein the fragment contains at least one amino acid that differs when aligned with SEQ ID NO:3.

REMARKS

Claims 1-29 have been cancelled. Claims 30-32 have been added. These newly added claims correspond to antibody claims binding to polypeptides of the same scope set forth in the issued grandparent case U.S. Patent No. 5,965,703. Support for the present claims is

provided throughout the case and in particular, support for antibodies is provided for example at page 14, lines 14-16 and page 15, lines 25-28.

Please find enclosed an electronic and paper copy of the Sequence Listing that include no new matter that goes beyond the application as originally filed.

Applicants respectfully request consideration of the newly added claims. If the Examiner has any questions, he is encouraged to contact the undersigned at 206-622-4900.

Respectfully submitted,

Seed Intellectual Property Law Group PLLC



William T. Christiansen, Ph.D.
Registration No. 44,614

WTC:rap

Enclosures:

Paper Copy of Sequence Listing
Declaration Regarding Sequence Listing
Computer Diskette

701 Fifth Avenue, Suite 6300
Seattle, Washington 98104-7092
Phone: (206) 622-4900
Fax: (206) 682-6031

C:\NrPortbl\iManage\BILLC\250730_1 DOC